

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:19-cv-02043-JPO**

International Refugee Assistance Project v. United States
Department of Homeland Security et al
Assigned to: Judge J. Paul Oetken
Cause: 05:552 Freedom of Information Act

Date Filed: 03/05/2019
Date Terminated: 09/13/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**International Refugee Assistance
Project**

represented by **Alexander Athan Yanos**
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V.

Defendant

**United States Department of
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Defendant

**United States Citizenship and
Immigration Services**

represented by **Tomoko Onozawa**
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Date Filed	#	Docket Text
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03/05/2019	<u>1</u>	COMPLAINT against United States Citizenship and Immigration Services, United States Department of Homeland Security. (Filing Fee \$ 400.00, Receipt Number ANYSDC-16446553) Document filed by International Refugee Assistance Project.(Ramos-Mrosovsky, Carlos) (Entered: 03/05/2019)
03/05/2019	<u>2</u>	DECLARATION of Betsy Fisher in Support re: <u>1</u> Complaint,. Document filed by International Refugee Assistance Project. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Ramos-Mrosovsky, Carlos) (Entered: 03/05/2019)
03/05/2019	<u>3</u>	CIVIL COVER SHEET filed. (Ramos-Mrosovsky, Carlos) (Entered: 03/05/2019)
03/05/2019	<u>4</u>	FILING ERROR – DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS – PDF ERROR REQUEST FOR ISSUANCE OF SUMMONS as to United States Department of Homeland Security, re: <u>1</u> Complaint,. Document filed by International Refugee Assistance Project. (Ramos-Mrosovsky, Carlos) Modified on 3/6/2019 (sj). (Entered: 03/05/2019)
03/05/2019	<u>5</u>	REQUEST FOR ISSUANCE OF SUMMONS as to United States Citizenship and Immigration Services, re: <u>1</u> Complaint,. Document filed by International Refugee Assistance Project. (Ramos-Mrosovsky, Carlos) (Entered: 03/05/2019)
03/05/2019	<u>6</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by International Refugee Assistance Project.(Ramos-Mrosovsky, Carlos) (Entered: 03/05/2019)
03/06/2019	<u>7</u>	NOTICE OF APPEARANCE by Brian David Burton on behalf of International Refugee Assistance Project. (Burton, Brian) (Entered: 03/06/2019)
03/06/2019		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Carlos Ramos-Mrosovsky. The party information for the following party/parties has been modified: International Refugee Assistance Project. The information for the party/parties has been modified for the following reason/reasons: party role was entered incorrectly. (sj) (Entered: 03/06/2019)
03/06/2019		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge J. Paul Oetken. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (sj) (Entered: 03/06/2019)
03/06/2019		Magistrate Judge Katharine H. Parker is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (sj) (Entered: 03/06/2019)
03/06/2019		Case Designated ECF. (sj) (Entered: 03/06/2019)
03/06/2019	<u>8</u>	ELECTRONIC SUMMONS ISSUED as to United States Citizenship and Immigration Services. (sj) (Entered: 03/06/2019)
03/06/2019		***NOTICE TO ATTORNEY REGARDING DEFICIENT REQUEST FOR ISSUANCE OF SUMMONS. Notice to Attorney Carlos Ramos-Mrosovsky to RE-FILE Document No. <u>4</u> Request for Issuance of Summons. The filing is deficient for the following reason(s): the PDF attached to the docket entry for the issuance of summons is not correct; caption error, caption must correspond with caption of pleading; you must include c/o on the second line in the "TO" field. Re-file the document using the event type Request for Issuance of Summons found under the event list Service of Process – select the correct filer/filers – and attach the correct summons form PDF. (sj) (Entered: 03/06/2019)
03/06/2019	<u>9</u>	REQUEST FOR ISSUANCE OF SUMMONS as to United States Department of Homeland Security, re: <u>1</u> Complaint,. Document filed by International Refugee Assistance Project. (Ramos-Mrosovsky, Carlos) (Entered: 03/06/2019)

03/06/2019	<u>10</u>	NOTICE OF APPEARANCE by Alexander Athan Yanos on behalf of International Refugee Assistance Project. (Yanos, Alexander) (Entered: 03/06/2019)
03/07/2019	<u>11</u>	ELECTRONIC SUMMONS ISSUED as to United States Department of Homeland Security. (dnh) (Entered: 03/07/2019)
03/20/2019	<u>12</u>	SUMMONS RETURNED EXECUTED Summons and Complaint, served. United States Department of Homeland Security served on 3/15/2019. Service was accepted by Ms. Clark, Clerk. Document filed by International Refugee Assistance Project. (Ramos-Mrosofsky, Carlos) (Entered: 03/20/2019)
03/20/2019	<u>13</u>	SUMMONS RETURNED EXECUTED Summons and Complaint, served. United States Citizenship and Immigration Services served on 3/8/2019. Service was accepted by Haojun Li, Civil Clerk. Document filed by International Refugee Assistance Project. (Ramos-Mrosofsky, Carlos) (Entered: 03/20/2019)
03/27/2019	<u>14</u>	NOTICE OF APPEARANCE by Tomoko Onozawa on behalf of United States Citizenship and Immigration Services, United States Department of Homeland Security. (Onozawa, Tomoko) (Entered: 03/27/2019)
04/04/2019	<u>15</u>	LETTER MOTION for Extension of Time to File Answer re: <u>1</u> Complaint, addressed to Judge J. Paul Oetken from AUSA Tomoko Onozawa dated 4/4/2019. Document filed by United States Citizenship and Immigration Services, United States Department of Homeland Security.(Onozawa, Tomoko) (Entered: 04/04/2019)
04/05/2019	<u>16</u>	LETTER addressed to Judge J. Paul Oetken from Brian D. Burton dated April 5, 2019 re: Defendants' Extension of Time to Respond to the Complaint. Document filed by International Refugee Assistance Project.(Burton, Brian) (Entered: 04/05/2019)
04/05/2019	<u>17</u>	ORDER granting <u>15</u> Letter Motion for Extension of Time to Answer. GRANTED. DEFENDANTS SHALL ANSWER OR OTHERWISE RESPOND TO THE COMPLAINT ON OR BEFORE APRIL 22, 2019. SO ORDERED. (HEREBY ORDERED by Judge J. Paul Oetken)(Text Only Order) (bh) (Entered: 04/05/2019)
04/22/2019	<u>18</u>	ANSWER to <u>1</u> Complaint,. Document filed by United States Citizenship and Immigration Services, United States Department of Homeland Security.(Onozawa, Tomoko) (Entered: 04/22/2019)
04/23/2019	<u>19</u>	ORDER: It is hereby ORDERED that counsel for all parties appear for an initial status conference with the Court on May 9, 2019, at 3:30 p.m. The conference will be held in Courtroom 706 of the Thurgood Marshall United States Court House, 40 Foley Square, New York, New York. IT IS FURTHER ORDERED that, at least three business days prior to the date of the conference, the parties submit a joint letter, not to exceed five (5) pages, providing the following information in separate paragraphs: 1. A brief description of the nature of the action and the principal defenses thereto; 2. A brief description of all contemplated and/or outstanding motions; 3. A proposed schedule for the case going forward; and 4. Any other information that the parties believe may assist the Court in advancing the case to settlement or other resolution, including, but not limited to, a description of any dispositive or novel issue raised by the case. SO ORDERED. (Signed by Judge J. Paul Oetken on 4/23/2019) (Initial Conference set for 5/9/2019 at 03:30 PM in Courtroom 706, 40 Centre Street, New York, NY 10007 before Judge J. Paul Oetken.) (ks) (Entered: 04/23/2019)
05/06/2019	<u>20</u>	JOINT LETTER addressed to Judge J. Paul Oetken from Carlos Ramos-Mrosofsky dated May 6, 2019 re: In Response to the Court's Order of April 23, 2019 (Dkt No. 19). Document filed by International Refugee Assistance Project. (Attachments: # <u>1</u> Exhibit 1)(Ramos-Mrosofsky, Carlos) (Entered: 05/06/2019)
05/09/2019		Minute Entry for proceedings held before Judge J. Paul Oetken: Initial Pretrial Conference held on 5/9/2019. The Court adopts the briefing schedule proposed by the parties. (bh) (Entered: 05/09/2019)
06/12/2019	<u>21</u>	MOTION for Summary Judgment . Document filed by United States Citizenship and Immigration Services, United States Department of Homeland Security.(Onozawa, Tomoko) (Entered: 06/12/2019)
06/12/2019	<u>22</u>	MEMORANDUM OF LAW in Support re: <u>21</u> MOTION for Summary Judgment . . Document filed by United States Citizenship and Immigration Services, United States

		Department of Homeland Security. (Onozawa, Tomoko) (Entered: 06/12/2019)
06/12/2019	<u>23</u>	DECLARATION of Jill A. Eggleston in Support re: <u>21</u> MOTION for Summary Judgment .. Document filed by United States Citizenship and Immigration Services, United States Department of Homeland Security. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H)(Onozawa, Tomoko) (Entered: 06/12/2019)
06/25/2019	<u>24</u>	CONSENT LETTER MOTION for Extension of Time to File Response/Reply addressed to Judge J. Paul Oetken from Carlos Ramos–Mrosovsky dated June 25, 2019. Document filed by International Refugee Assistance Project.(Ramos–Mrosovsky, Carlos) (Entered: 06/25/2019)
06/26/2019	<u>25</u>	ORDER granting <u>24</u> Letter Motion for Extension of Time to File Response/Reply re <u>21</u> MOTION for Summary Judgment Responses due by 7/26/2019 Replies due by 8/12/2019. The parties' motion for extension of time is granted. The briefing schedule for the parties' cross–motions for summary judgment is modified as below: Plaintiff's Opposition to Defendants' Motion for Summary Judgment and Cross–Motion for Summary Judgment: July 26, 2019.Defendants' Reply in Further Support of Summary Judgment and Opposition to Cross–Motion for Summary Judgment: August 12, 2019. Plaintiff's Reply in Further Support of Cross–Motion for Summary Judgment: August 22, 2019. (Signed by Judge J. Paul Oetken on 6/26/2019) (rro) Modified on 6/27/2019 (rro). (Entered: 06/26/2019)
06/26/2019		Set/Reset Deadlines: Cross Motions due by 7/26/2019. Responses due by 8/12/2019 Replies due by 8/22/2019. (rro) (Entered: 06/26/2019)
07/26/2019	<u>26</u>	JOINT LETTER MOTION to Stay addressed to Judge J. Paul Oetken from Carlos Ramos–Mrosovsky dated July 26, 2019. Document filed by International Refugee Assistance Project.(Ramos–Mrosovsky, Carlos) (Entered: 07/26/2019)
07/29/2019	<u>27</u>	ORDER granting <u>26</u> Letter Motion to Stay. Granted. Plaintiff shall file its opposition to the pending summary judgment motion, as well as any cross–motion, on or before August 2, 2019. Defendants shall file any reply in support of their motion for summary judgment, as well as any opposition to Plaintiff's cross–motion, on or before August 19, 2019. Plaintiff shall file any reply in support of its cross–motion on or before August 29, 2019. The Clerk of Court is directed to close the motion at Docket Number 26. (Signed by Judge J. Paul Oetken on 7/29/2019) (rro) Modified on 7/30/2019 (rro). (Entered: 07/29/2019)
07/29/2019		Set/Reset Deadlines: Cross Motions due by 8/2/2019. Responses due by 8/19/2019 Replies due by 8/29/2019. (rro) (Entered: 07/29/2019)
08/02/2019	<u>28</u>	JOINT LETTER MOTION to Stay addressed to Judge J. Paul Oetken from Carlos Ramos–Mrosovsky dated August 2, 2019. Document filed by International Refugee Assistance Project.(Ramos–Mrosovsky, Carlos) (Entered: 08/02/2019)
08/02/2019	<u>29</u>	ORDER granting <u>28</u> Letter Motion to Stay. Granted. Plaintiff shall file its opposition to the pending summary judgment motion, as well as any cross–motion, on or before September 3, 2019. Defendants shall file any reply in support of their motion for summary judgment, as well as any opposition to Plaintiff's cross–motion on or before September 24, 2019. Plaintiff shall file any reply in support of its cross–motion on or before October 4, 2019. The Clerk of Court is directed to close the motion at Docket Number 28. So ordered.. (Signed by Judge J. Paul Oetken on 8/2/2019) (jca) (Entered: 08/02/2019)
08/02/2019		Set/Reset Deadlines: Cross Motions due by 9/3/2019. Responses due by 9/24/2019, Replies due by 10/4/2019. (jca) (Entered: 08/02/2019)
08/27/2019	<u>30</u>	PROPOSED STIPULATION AND ORDER. Document filed by United States Citizenship and Immigration Services, United States Department of Homeland Security. (Onozawa, Tomoko) (Entered: 08/27/2019)
08/30/2019	<u>31</u>	STIPULATION AND ORDER: IT IS HEREBY STIPULATED AND AGREED, by and between the parties as follows: 1. Within seven (7) days after the Court has endorsed this Stipulation and Order, USCIS will process and release to IRAP portions of the following records which it has concluded are not exempt or can be voluntarily disclosed notwithstanding the possible applicability of one or more FOIA exemptions:

		<p>(1) a 13–page memorandum issued by RAIO dated May 2, 2018, with the subject heading, "Guidance for the treatment of refugee cases that include an RE–2 derivative spouse" ("May 2018 Guidance"); and (2) a 14–page memorandum issued by RAIO dated February 14, 2019, with the subject heading, "Guidance for the treatment of refugee cases that include an RE–2 derivative spouse" ("February 2019 Guidance"). IRAP agrees that the May 2018 Guidance and the February 2019 Guidance are the sole records in USCIS's possession that are responsive to its FOIA Request as modified by subsequent agreement of the parties in this case to extend specifically to the May 2018 Guidance and February 2019 Guidance. IRAP will waive any challenge to the scope, reasonableness, and/or adequacy of USCIS's search for records responsive to the FOIA Request. However, the parties agree that IRAP may challenge any of USCIS's withholdings from the May 2018 Guidance and February 2019 Guidance. (As further set forth in this Order.) The parties understand and agree that this Stipulation and Order contains the entire agreement between them with respect to the issues addressed herein, and that no other statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel shall have any force or effect. (Signed by Judge J. Paul Oetken on 8/29/2019) (cf) (Entered: 08/30/2019)</p>
09/13/2019	<u>32</u>	<p>FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – NOTICE OF VOLUNTARY DISMISSAL, the plaintiff(s) and or their counsel(s), hereby give notice that the above–captioned action is voluntarily dismissed, with prejudice and without costs against the defendant(s) International Refugee Assistance Project. Document filed by United States Citizenship and Immigration Services, United States Department of Homeland Security. Proposed Order to be reviewed by Clerk's Office staff.. (Onozawa, Tomoko) Modified on 9/13/2019 (km). (Entered: 09/13/2019)</p>
09/13/2019		<p>***NOTICE TO ATTORNEY TO RE–FILE DOCUMENT – EVENT TYPE ERROR. Notice to Attorney Tomoko Onozawa to RE–FILE Document <u>32</u> Notice of Voluntary Dismissal. Use the event type Other Filings, Other Documents, Stipulation of Voluntary Dismissal. (km) (Entered: 09/13/2019)</p>
09/13/2019	<u>33</u>	<p>STIPULATION OF VOLUNTARY DISMISSAL It is hereby stipulated and agreed by and between the parties and/or their respective counsel(s) that the above–captioned action is voluntarily dismissed, with prejudice against the defendant(s) United States Citizenship and Immigration Services, United States Department of Homeland Security and without costs pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. Document filed by United States Citizenship and Immigration Services, United States Department of Homeland Security. Proposed document to be reviewed and processed by Clerk's Office staff (No action required by chambers)..(Onozawa, Tomoko) (Entered: 09/13/2019)</p>